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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,797	08/19/2002	Ta-Wei Liu	8248-US-PA	4095

31561 7590 06/09/2005

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER

DHARIA, PRABODH M

ART UNIT PAPER NUMBER

2673

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,797

Applicant(s)

LIU ET AL.

Examiner

Prabodh M. Dharja

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9,11 and 12 is/are rejected.
- 7) ☒ Claim(s) 4 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. **Status:** Receipt is acknowledged of papers submitted on 3-28-2005 under request for reconsideration have been placed of record in the file. Claims 1-12, are pending in this action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3,7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yap (US 2002/0190823 A1) in view of Anzai et al. (6,016,248) and Fujita et al. (4,214,250).

Regarding Claim 1, Yap teaches a stylus (page 1, paragraph 007, Line 2) retaining and releasing mechanism suitable for use (page 1, paragraph 007, Line 1,2) within a housing that can receive a stylus having a retaining slot formed thereon (page 1, paragraph 008, Line 2,3), wherein the housing has a cavity into which the stylus can be slidably inserted (page 3, paragraph 036), the stylus retaining and releasing mechanism (page 3, paragraph 0036, page 3, paragraph 0034, Lines 4-8) comprising: a stylus-releasing device (page 1, paragraph 007, Line 2, page 3, paragraph 0034, Lines 4-8), wherein the stylus-releasing device is arranged at a location of the housing (page 1, paragraph 007, Line 2, page 2, paragraph 0026, Lines 1-4), that terminates the cavity so that, in a first stage of operation, the stylus-releasing device can store resilient force in a stable configuration after the stylus being inserted in the cavity presses on the stylus-releasing device to engage into the first stable configuration (page 1, paragraph 007, Line

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2, page 2, paragraph 0026, Lines 1-4, paragraph 27, Lines 1-7, page 3, paragraph 0034, Lines 4-8), and in a second stage of operation, the stylus-releasing device can exert a resilient force on the stylus being held immobile in the cavity to eject the stylus out of the cavity after a short pressing action is applied on the inserted stylus to disengage the stylus-releasing device from the stable configuration (page 1, paragraph 007, Line 2, page 2, paragraph 0026, Lines 1-4, paragraph 27, Lines 1-7, page 3, paragraph 0034, Lines 4-8, page 3, paragraph 0036); and a retainer, wherein the retainer is arranged adjacent to the cavity so that the retainer can resiliently deviate when contacted with the stylus being inserted in the cavity, the retainer further includes a protruding clamping member that inserts in the retaining slot of the stylus to hold and immobilize the stylus in the cavity once the inserted stylus engages the stylus-releasing device in the stable configuration (page 1, paragraph 007, Line 2, page 2, paragraph 0026, Lines 1-4, paragraph 27, Lines 1-7, page 3, paragraph 0034, Lines 4-8, page 3, paragraph 0036).

However, Yap fails to teach or recite specifically a retainer, wherein the retainer is arranged adjacent to the cavity so that the retainer can resiliently deviate when contacted with the stylus being inserted in the cavity, the retainer further includes a protruding clamping member that inserts in the retaining slot of the stylus to hold and immobilize the stylus in the cavity once the inserted stylus engages the stylus-releasing device in the stable configuration.

However, Anzai et al. a retainer, wherein the retainer is arranged adjacent to the cavity so that the retainer can resiliently deviate when contacted with the stylus being inserted in the cavity, the retainer further includes a protruding clamping member that inserts in the retaining slot of the stylus to hold and immobilize the stylus in the cavity once the inserted stylus engages the stylus-releasing device in the stable configuration (figure 12, item no. 63, Col. 6, Lines 49-

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65, However, it is well known to one in the ordinary skill in the art to have protruded clamp type mechanical positioning or holding immobile in a position, they may be addressed differently, Liu et al. (6,410,865 B1) figure 2, item no. 104, Col. 2, Lines 25-40, Moller et al. (5,889,512) figure 6,7,9, item number 21,28,32 Col. 6, Lines 8-34).

Thus it is obvious to one in the ordinary skill in the art at the time of invention was made to incorporate Anzai et al. teaching in teaching of Yap to have user friendly electronic device, which not only produces convenience for consumer but also for merchants in retails industry.

Yap teaches a stylus (page 1, paragraph 007, Line 2) retaining and releasing mechanism suitable for use (page 1, paragraph 007, Line 1,2) within a housing that can receive a stylus having a retaining slot formed thereon (page 1, paragraph 008, Line 2,3), wherein the housing has a cavity into which the stylus can be slidably inserted (page 3, paragraph 036), the stylus retaining and releasing mechanism (page 3, paragraph 0036, page 3, paragraph 0034, Lines 4-8).

However, Yap fails to recite or disclose stylus releasing device can exert a force on the stylus after a pressing action is applied to the inserted stylus.

However, it is well known to one ordinary skill in the art a releasing device operating with similar to spring load will always store resilient force (potential energy) and on releasing device being operated will exert force (by dissipating potential energy, and at the end of releasing operation the resilient material restores not only the shaper but also used potential energy). Fujita et al. teaches stylus releasing device can exert a force on the stylus after a pressing action is applied to the inserted stylus (Col. 8, Line 56 to Col. 9, line 20).

Thus it is obvious to one in the ordinary skill in the art at the time of invention was made to incorporate Fujita et al. teaching in teaching of Yap to have user friendly electronic device,

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which not only produces convenience for consumer but also durable and maintainable with proper retaining and releasing mechanism.

Regarding Claim 2, Yap teaches the retainer is formed with the housing in a single body (paragraph 0034, Lines 4-8, page 3, paragraph 0036).

Regarding Claim 3, Yap teaches an impeding member that contacts with the stylus in the cavity to moderate the ejection of the stylus (page 2, paragraph 0026, Lines 1-4, paragraph 27, Lines 1-7, page 3, paragraph 0034, Lines 4-8, page 3, paragraph 0036).

Regarding Claim 5, Yap teaches the impeding member includes foam polymer material (page 2, paragraph 0023, Lines 1-5).

Regarding Claim 6, Yap teaches the stylus-releasing device is fixedly attached on the housing by means of a resilient plate, the resilient plate is fixedly attached to the stylus-releasing device and further terminates into a plurality of bent claws that fixedly insert in the housing (page 2, paragraph 0026, 0027).

Regarding Claim 7, Yap teaches an electronic equipment having a touch panel display screen (page 1, paragraph 2, Lines 1,2 paragraph 3), comprising: a stylus (page 1, paragraph 007, Line 1,2), wherein the stylus serves as pointing device (page 1, paragraph 3), and has a retaining slot (page 1, paragraph 007, Line 1,2, paragraph 008, Line 2,3) thereon; a housing, wherein the housing includes a cavity in which the stylus can be slidably inserted when not used (page 3,

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paragraph 036); a stylus-releasing device (page 1, paragraph 007, Line 1,2, page 3, paragraph 0036, page 3, paragraph 0034, Lines 4-8), wherein the stylus-releasing device (page 1, paragraph 007, Line 2, page 3, paragraph 0034, Lines 4-8), wherein the stylus-releasing device is arranged at a location of the housing (page 1, paragraph 007, Line 2, page 2, paragraph 0026, Lines 1-4), that terminates the cavity so that, in a first stage of operation, the stylus-releasing device can store resilient force in a stable configuration after the stylus being inserted in the cavity presses on the stylus-releasing device to engage into the first stable configuration (page 1, paragraph 007, Line 2, page 2, paragraph 0026, Lines 1-4, paragraph 27, Lines 1-7, page 3, paragraph 0034, Lines 4-8), and in a second stage of operation, the stylus-releasing device can exert a resilient force on the stylus being held immobile in the cavity to eject the stylus out of the cavity after a short pressing action is applied on the inserted stylus to disengage the stylus-releasing device from the stable configuration (page 1, paragraph 007, Line 2, page 2, paragraph 0026, Lines 1-4, paragraph 27, Lines 1-7, page 3, paragraph 0034, Lines 4-8, page 3, paragraph 0036); and a retainer, wherein the retainer is arranged adjacent to the cavity so that the retainer can resiliently deviate when contacted with the stylus being inserted in the cavity, the retainer further includes a protruding clamping member that inserts in the retaining slot of the stylus to hold and immobilize the stylus in the cavity once the inserted stylus engages the stylus-releasing device in the stable configuration (page 1, paragraph 007, Line 2, page 2, paragraph 0026, Lines 1-4, paragraph 27, Lines 1-7, page 3, paragraph 0034, Lines 4-8, page 3, paragraph 0036).

However, Yap fails to teach or recite specifically a retainer, wherein the retainer is arranged adjacent to the cavity so that the retainer can resiliently deviate when contacted with the stylus being inserted in the cavity, the retainer further includes a protruding clamping member

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that inserts in the retaining slot of the stylus to hold and immobilize the stylus in the cavity once the inserted stylus engages the stylus-releasing device in the stable configuration.

However, Anzai et al. a retainer, wherein the retainer is arranged adjacent to the cavity so that the retainer can resiliently deviate when contacted with the stylus being inserted in the cavity, the retainer further includes a protruding clamping member that inserts in the retaining slot of the stylus to hold and immobilize the stylus in the cavity once the inserted stylus engages the stylus-releasing device in the stable configuration (figure 12, item no. 63, Col. 6, Lines 49-65, However, it is well known to one in the ordinary skill in the art to have protruded clamp type mechanical positioning or holding immobile in a position, they may be addressed differently, Liu et al. (6,410,865 B1) figure 2, item no. 104, Col. 2, Lines 25-40, Moller et al. (5,889,512) figure 6,7,9, item number 21,28,32 Col. 6, Lines 8-34).

Thus it is obvious to one in the ordinary skill in the art at the time of invention was made to incorporate Anzai et al. teaching in teaching of Yap to have user friendly electronic device, which not only produces convenience for consumer but also for merchants in retails industry.

Yap teaches a stylus (page 1, paragraph 007, Line 2) retaining and releasing mechanism suitable for use (page 1, paragraph 007, Line 1,2) within a housing that can receive a stylus having a retaining slot formed thereon (page 1, paragraph 008, Line 2,3), wherein the housing has a cavity into which the stylus can be slidably inserted (page 3, paragraph 036), the stylus retaining and releasing mechanism (page 3, paragraph 0036, page 3, paragraph 0034, Lines 4-8).

However, Yap fails to recite or disclose stylus releasing device can exert a force on the stylus after a pressing action is applied to the inserted stylus.

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However, it is well known to one ordinary skill in the art a releasing device operating with similar to spring load will always store resilient force (potential energy) and on releasing device being operated will exert force (by dissipating potential energy, and at the end of releasing operation the resilient material restores not only the shaper but also used potential energy). Fujita et al. teaches stylus releasing device can exert a force on the stylus after a pressing action is applied to the inserted stylus (Col. 8, Line 56 to Col. 9, line 20).

Thus it is obvious to one in the ordinary skill in the art at the time of invention was made to incorporate Fujita et al. teaching in teaching of Yap to have user friendly electronic device, which not only produces convenience for consumer but also durable and maintainable with proper retaining and releasing mechanism.

Regarding Claim 8, Yap teaches the retainer is formed with the housing in a single body (page 3, paragraph 0036).

Regarding Claim 9, Yap teaches an impeding member that contacts with the stylus in the cavity to moderate the ejection of the stylus (page 3, paragraph 32, Lines 4-7, page 3, paragraph 0034, Lines 4-8).

Regarding Claim 11, Yap teaches the impeding member includes foam polymer material (page 2, paragraph 0023 Lines 1-5).

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Regarding Claim 12, Yap teaches the stylus-releasing device is fixedly attached on the housing by means of a resilient plate, the resilient plate is fixedly attached to the stylus-releasing device and further terminates into a plurality of bent claws that fixedly insert in the housing (page 2, paragraph 0026, 0027).

Allowable Subject Matter

4. Claims 4,10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is an examiner's statement of reasons for allowance:

A stylus retaining and releasing mechanism suitable for use within a housing that can receive a stylus having a retaining slot formed thereon, wherein the housing has a cavity into which the stylus can be slidably inserted, the stylus retaining and releasing mechanism comprising: a stylus-releasing device, wherein the stylus-releasing device is arranged at a location of the housing that terminates the cavity so that, in a first stage of operation, the stylus-releasing device can store resilient force in a stable configuration after the stylus being inserted in the cavity presses on the stylus-releasing device to engage into the first stable configuration, and in a second stage of operation, the stylus-releasing device can exert a resilient force on the stylus being held immobile in the cavity to eject the stylus out of the cavity after a short pressing action is applied on the inserted stylus to disengage the stylus-releasing device from the stable configuration; and a retainer, wherein the retainer

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is arranged adjacent to the cavity so that the retainer can resiliently deviate when contacted with the stylus being inserted in the cavity, the retainer further includes a protruding clamping member that inserts in the retaining slot of the stylus to hold and immobilize the stylus in the cavity once the inserted stylus engages the stylus-releasing device in the stable configuration and the impeding member includes a material with relatively high friction coefficient.

The cited references on 892's fail to teach underlined bold claim above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

6. Applicant's arguments with respect to claims 1,7 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's arguments filed 03-28-2005 have been fully considered but they are not persuasive.

Applicant argues Yap fail to teach polymer.

Examiner disagrees as Yap does teach Polymer (page 2, paragraph 0023, Lines 1-5).

Applicant argues there is no motivation combining Yap and Anzai et al.

8. Examiner disagrees, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by

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combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Yap, Anzai et al. and Fujita et al. both teach pen (stylus) type input device and the internal as well as retaining structures. The combination teaches applicant invention. Therefore they do obviate.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Igarashi et al. (5615486) Apparatus for measuring shape of a frame of a spectacles.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prabodh M Dharia whose telephone number is 703-605-1231. The examiner can normally be reached on M-F 8AM to 5PM.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 703-3054938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

PD

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06-05-2005

A handwritten signature in black ink, appearing to read 'Vijay Shankar', with a large, sweeping flourish extending from the end of the name.

**VIJAY SHANKAR
PRIMARY EXAMINER**